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In the United States Patent and Trademark Office

Applicants:	James A. Davis et al.	Docket No.:	16,234
Serial No.:	09/866,326	Group:	3761
Confirmation No:	5265	Examiner:	
Filed:	May 25, 2001		
For:	Absorbent Article With Dynamic Air Flow		

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Response to Requirement for Election of Species With Traverse

ASSISTANT COMMISSIONER FOR
PATENTS Washington, D.C. 20231

In response to the Requirement for Election mailed May 15, 2002, Applicants hereby elect with traverse the species of Figure 4-5. This provisional election has been made to comply with the Requirement for Election and is based on an assumption that the Examiner agrees that Claims 7, 9, 13 and 33 are generic to the species illustrated in Figures 4-5 of the present application.

Applicants respectfully disagree with the statement that "[c]urrently no claims are generic" and submit that at least Claims 7, 9, 13 and 33 are generic to the species illustrated in Figures 4-5 of the present application and that independent claims 1 and 28 and dependent claims 2-7, 9, 11, 13, 14, 20, 21, 29 and 33 are generic to the embodiment illustrated in Figures 4 and 5. Applicants respectfully request that independent Claims 1 and 28 and Claims 2-27 and 29-33 that depend from Claims 1 and 28 be examined at this time.

In this response, Applicants traverse the Requirement for Election and request the Examiner reconsider the Requirement for Election. Applicants respectfully submit that the Requirement for Election is improper because the alleged species are not mutually exclusive. "Claims restricted to different species must be mutually exclusive." (MPEP § 803.02) The species of valves illustrated Figure 1 and Figures 2 are not mutually exclusive from the species of bellows illustrated in Figure 3 and the species of diaper illustrated in Figures 4-5. Figure 1 and Figures 2A and 2B illustrate two species of valves that may be mutually exclusive. However, the valves illustrated in Figure 1 and Figures 2 may be a component(s) of the bellows illustrated in Figure 3 and the diaper illustrated in Figures 4 and 5. Furthermore, the bellows illustrated in Figure 3 may be a component of the diaper illustrated in Figures 4 and 5. Therefore, the alleged species are not mutually exclusive and the Requirement for Election is improper.

In the alternative, Applicants respectfully submit that the alleged species are so few in number (4) that a search and examination of the entire claims can be made without serious burden.



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The examiner should examine the all of the claims in the present application at this time in accordance with MPEP § 803.02.

The undersigned may be reached at: (770) 587-8620.

Respectfully submitted,

DAVIS ET AL.

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CERTIFICATE OF MAILING

I, Christos S. Kyriakou, hereby certify that on July 15, 2002 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

By: Christos S. Kyriakou
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